
By: **Senator Klausmeier**

Introduced and read first time: February 4, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration**
3 **Contractors - Appointment of Members**

4 FOR the purpose of requiring the Governor to consider the names of nominees to the
5 State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration
6 Contractors submitted by certain organizations; requiring the Governor to
7 consider demographic and geographic diversity when making appointments to
8 the Board; repealing the requirement that certain members of the Board be
9 from certain geographic areas of the State; and generally relating to the
10 appointment of members of the State Board of Heating, Ventilation,
11 Air-Conditioning, and Refrigeration Contractors.

12 BY repealing and reenacting, without amendments,
13 Article - Business Regulation
14 Section 9A-201
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Business Regulation
19 Section 9A-202
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Business Regulation**

25 9A-201.

26 There is a State Board of Heating, Ventilation, Air-Conditioning, and
27 Refrigeration Contractors in the Department.

1 9A-202.

2 (a) (1) The Board consists of 9 members.

3 (2) Of the 9 Board members:

4 (i) 5 shall be master heating, ventilation, air-conditioning, and
5 refrigeration contractors licensed in the State, a subdivision of the State, or another
6 state provided that state has licensing requirements equivalent to the licensing
7 requirements of this title;

8 (ii) 1 shall be a master electrician;

9 (iii) 1 shall be a master plumber; and

10 (iv) 2 shall be consumer members.

11 (3) THE GOVERNOR SHALL CONSIDER, FROM A LIST SUBMITTED TO THE
12 SECRETARY:

13 (I) 2 NOMINEES FROM A LIST JOINTLY SUBMITTED BY THE
14 AIR-CONDITIONING CONTRACTORS OF AMERICA (ACCA) CENTRAL MARYLAND
15 CHAPTER AND THE ACCA NATIONAL CHAPTER; AND

16 (II) 1 NOMINEE FROM A LIST SUBMITTED BY ANY OF THE
17 FOLLOWING ORGANIZATIONS:

18 1. THE MARYLAND PLUMBING HEATING & COOLING
19 CONTRACTORS, INC.;

20 2. THE PLUMBERS AND STEAMFITTERS LOCAL 486; AND

21 3. THE WASHINGTON, D.C. BUILDING AND CONSTRUCTION
22 TRADES COUNCIL AND THE BALTIMORE BUILDING AND CONSTRUCTION TRADES
23 COUNCIL, JOINTLY.

24 [(3)] (4) The Governor shall:

25 (I) appoint the members of the Board with the advice of the
26 Secretary and with the advice and consent of the Senate; AND

27 (II) CONSIDER DEMOGRAPHIC AND GEOGRAPHIC DIVERSITY WHEN
28 MAKING APPOINTMENTS TO THE BOARD.

29 [(b) Except for the initial members of the Board, of the members appointed
30 under subsection (a)(2)(i), (ii), and (iii) of this section:

31 (1) 1 shall be from the area that consists of Caroline, Dorchester, Kent,
32 Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties;

1 (2) 1 shall be from the area that consists of Baltimore City, and
2 Baltimore, Cecil, and Harford counties;

3 (3) 1 shall be from the area that consists of Anne Arundel, Calvert,
4 Charles, and St. Mary's counties;

5 (4) 1 shall be from the area that consists of Howard, Montgomery, and
6 Prince George's counties; and

7 (5) 1 shall be from the area that consists of Allegany, Carroll, Frederick,
8 Garrett, and Washington counties.]

9 [(c)] (B) (1) Two members of the Board may not be residents of the same
10 city, county, or other political subdivision.

11 (2) Each member of the Board shall be:

12 (i) a citizen of the United States; and

13 (ii) a resident of the State.

14 [(d)] (C) (1) Each member appointed under subsection (a)(2)(i), (ii), and (iii)
15 of this section:

16 (i) shall be an active contractor;

17 (ii) shall hold a current active license under this title or under a
18 licensing program in a subdivision of the State; and

19 (iii) shall have provided services as a contractor for not less than 5
20 consecutive years immediately prior to the date of appointment.

21 (2) The master electrician member of the Board:

22 (i) shall be actively engaged in the electrical contracting business
23 as a master electrician;

24 (ii) shall hold a current active license under this article; and

25 (iii) shall have been engaged in business as a master electrician for
26 not less than 5 consecutive years immediately prior to the date of appointment.

27 (3) The master plumber member of the Board:

28 (i) shall be actively engaged in the plumbing contracting business
29 as a master plumber;

30 (ii) shall hold a current active license under this article; and

31 (iii) shall have been engaged in business as a master plumber for
32 not less than 5 consecutive years immediately prior to the date of appointment.

1 [(e)] (D) Each consumer member of the Board:
2 (1) shall be a member of the general public;
3 (2) may not be a licensee or otherwise be subject to the regulation of the
4 Board; and

5 (3) may not have had within 1 year before appointment a financial
6 interest in or have received compensation from a person regulated by the Board.

7 [(f)] (E) Before taking office, each appointee to the Board shall take the oath
8 required by Article I, § 9 of the Maryland Constitution.

9 [(g)] (F) (1) The term of a member is 3 years.

10 (2) The terms of members are staggered as required by the terms
11 provided for members of the Board on January 1, 1993.

12 (3) At the end of a term, a member continues to serve until a successor is
13 appointed and qualifies.

14 (4) A member who is appointed after a term has begun serves only for
15 the rest of the term and until a successor is appointed and qualifies.

16 (5) Board members are eligible for reappointment, but may not serve
17 more than 2 consecutive terms.

18 (6) The Governor may remove a member for incompetence or
19 misconduct.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2004.